

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:	
STEPHEN MAURICE BANKS	Chapter 13
Debtor	Case No. 17-35699-KRH
U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST	Ref. Dkt. #35, 37
Movant	
v.	
STEPHEN MAURICE BANKS (Debtor)	
SUZANNE E. WADE (Trustee)	
Respondents	

**NOTICE OF FAILURE TO CURE AND TERMINATION OF THE AUTOMATIC STAY**

COMES NOW, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“Caliber”) by undersigned counsel hereby gives notice of the following:

1. That a Consent Order Modifying Automatic Stay and Granting Relief from Co-Debtor Stay (“Consent Order”) was entered by this Court on August 6, 2018.
2. Caliber has complied with the terms of the terms of the entered Consent Order.
3. The Debtor failed to comply with the terms of the entered Consent Order.
4. That pursuant to the terms of the Consent Order, a Notice of Default was served and filed on August 29, 2018.

5. That neither the Debtor nor the Trustee has complied with the terms of the Consent Order by failing to take any of the following actions:
  - a. cure the default;
  - b. file an objection with the Court stating that no default exists; or
  - c. file an objection with the Court stating any other reason why an Order granting relief from the automatic stay should not be entered; and
6. That pursuant to the terms of the Consent Order, Caliber considers the automatic stay terminated with regards to the collateral referenced in the Consent Order upon entry of the Order Terminating Stay.

Date: September 27, 2018

Respectfully submitted,

/s/ Kathryn Smits

Kathryn Smits, Bar #77337

Namrata Loomba, Bar #87222

Orlans PC

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Attorneys for U.S. Bank Trust, N.A., as Trustee for  
LSF9 Master Participation Trust

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CERTIFICATE OF SERVICE

The undersigned states that on September 27, 2018, copies of the foregoing Notice of Failure to Cure and Termination of the Automatic Stay were filed with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Suzanne E. Wade  
P.O. Box 1780  
Richmond, VA 23218-1780  
*Bankruptcy Trustee*

Deanna H. Hathaway  
Hathaway Adair, PC  
710 N. Hamilton Street  
Suite 200  
Richmond, VA 23221  
ecf@hathawayadair.com  
*Debtor's Attorney*

and I hereby certify that I have caused to be mailed by first class mail, postage prepaid, copies of the foregoing Notice of Failure to Cure and Termination of the Automatic Stay to the following non-ECF participants:

Stephen Maurice Banks  
13300 Shore Lake Turn  
Chesterfield, VA 23838  
*Debtor*

/s/ Kathryn Smits  
Kathryn Smits, Esquire  
Namrata Loomba, Esquire